

Swimming Pool Rule

The following parties submitted written comments:

L & W Construction (L & W Construction)

Ms. Melody Oeth, concerned parent. (Ms. Oeth)

LaPorte County Health Department as represented by Ms. Ann Klute
(LaPorte County HD)

Elkhart County Health Department as represented by Ms. Karla Kreczmer
(Elkhart County HD)

Porter County Health Department as represented by Ms. Julia Martin
(Porter County HD)

Vigo County Health Department as represented by Ms. Marci DeBoy
(Vigo County HD)

Elkhart County Health Department as represented by Ms. Gabe Cameron
(Elkhart County HD)

Tippecanoe County Health Department as represented by Ms. Patience McGruder
(Tippecanoe County HD)

St. Joe County Health Department as represented by Mr. Nick Molchan
(St. Joe County HD)

Hendricks County Health Department as represented by Ms. Cathy Grindstaff
(Hendricks County HD)

Marion County Health Department as represented by Mr. Adam Rickert
(Marion County HD)

Johnson County Health Department as represented by Ms. Chris Menze
(Johnson County HD)

The following is a summary of the written comments received and ISDH's responses thereto:

Comment: L & W Construction commented that 410 IAC 6-2.1-25 Administration, be changed to require a copy of the Rule onsite. (L & W Construction)

Response: ISDH agrees. ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." Therefore, ISDH has proposed an amendment to 410 IAC 6-2.1-25 to effect the requested change to require a copy of the rule to be kept on site.

Comment: L & W Construction commented that 410 IAC 6-2.1-28 Sewage disposal (d) , be changed to require a 6" air gap on the discharge on pools where the deck drains are an integral part of the gutter system to preclude the possibility of backup of sewage or waste from the drain into the pool or pool piping system. (L & W Construction)

Response: ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." ISDH agrees that this is a good idea, however, a state statute of the Indiana Department of Homeland Security, Fire Prevention and Building Safety addresses construction requirements.

Comment: L & W Construction commented 410 IAC 6-2.1-34 Lifesaving and safety equipment (i), be changed to include other provisions of the Virginia Graeme Baker Safety Act such as a single blockable main drain direct pump suction connections and alternative safety options. (L & W Construction)

Response: ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." Some pools will have to make a significant change to the construction; as in: not just replacing like with like, to comply with the Virginia Graeme Baker Safety Act which will require the submittal of plans for a design release from a separate state agency. However, since a state code of the Indiana Department of Homeland Security, Fire Prevention and Building Safety addresses construction requirements, ISDH's intent is to be consistent.

Comment: L & W Construction commented 410 IAC 6-2.1-35 Lifeguards (h) be changed to limit lifeguard chairs of this height requirement to deep water areas (greater than five feet deep water). It is his understanding that some local health department officials have interpreted this to mean that All guard chairs shall be a minimum of 5' above the deck-even in areas where the water depth is less than 5'. (L & W Construction)

Response: ISDH agrees. ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." ISDH has proposed an amendment to 410 IAC 6-2.1-35(j) to clarify lifeguard chairs: to require elevated lifeguard chairs at pool areas with a water depth of 5 feet or greater. Deck level chairs may be used in areas adjacent to shallow water instead of elevated lifeguard chairs. This will make the rule more current with the current aquatic trends.

Comment: Ms. Melody Oeth, concerned parent, submitted a written comment that 410 IAC 6-2.1 be changed to require sanitization of communal equipment, such as snorkels, used at pools.

Response: ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." ISDH agrees that this is an issue that should be addressed and will post some recommendations on the website to address sanitization of communal equipment such as snorkels between users.

Comment: La Porte County Health Department, Ms. Ann Klute submitted a comment that 410 IAC 6-2.1-26 (b) New construction, should be changed because most pre-fab residential hot tubs are not 1,000gal which is a requirement for public spas. Most would have to be made onsite. Seems like an unnecessary expense for a tourist home as long as the pre-fab spas are ok for public use. (LaPorte County HD)

Response: ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." ISDH's intent for tourist home spas is to provide an option to be consistent with Indiana Department of Homeland Security, Fire Prevention and Building Safety 675 IAC 20-3 or be commercially manufactured residential style. The tourist homes spas will serve a small constant amount of bathers who are staying a residential style home during their tourist stay. The pre-fab commercially manufactured residential spas would be acceptable.

Comment: LaPorte County Health Department, Ms. Ann Klute submitted a comment that 410 IAC 6-2.1-29 Sanitary facilities (e) Hot and cold water SHALL be a mixing faucet? Can't they just have regular hot and cold faucets too? If you say shall, doesn't that mean that they have to have it? (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pools." ISDH has proposed an amendment to 410 IAC 6-6-2.1 to read: "Hot and cold water shall be provided through a mixing faucet. Hot water temperature shall:

- (1) be at least ninety (90) degrees Fahrenheit; and
- (2) not exceed one hundred twenty (120) degrees Fahrenheit."

This amendment is also consistent with other ISDH rules, such as the Sanitary Schoolhouse Rule.

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Comment: LaPorte County Health Department, Ms. Ann Klute submitted a comment that 410 IAC 6-2.1-30 (b) Pool water chemistry Most test kits end at 10. If you are at a 10, you really could actually be anything after 10 (I was told this by the manufacturer) so if it

was 9 then it could be read accurately with most test kits. If it goes to 10 most people don't know they are well above 10ppm. Of course requiring the proper test kits alleviates this. Since the FAS-DPD kits are the only ones I know of to comply with the state rule of being able to be read by .5ppm. (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pools." ISDH agrees that most FAS-DPD test kits do not meet the requirements of meeting the increments of .5 ppm and will not measure the chlorine residual above 5ppm or bromine residuals above 10ppm. ISDH's intent is to adopt *reasonable* rules. The experience of the staff indicates that requirements of the test kit required as a minimum is reasonable to accomplish the goal of validating water quality and to guide changes that must be made to the water to protect users and the facility. The "10 ppm" in 410 IAC 6-2.1-30(b) actually is the maximum level permitted for bromine. Any time, a test kit reveals a reading that close to the maximum level, it is time to make a change to the water quality. A maximum of "10" was established because one of the characteristics of bromine is that it is so stable that is very difficult to wash off the human body and remove the smell. Bromine is not very popular due to this and the different chemistry in the water as opposed to chlorine. Most FAS-DPD kits provide directions for a dilution method to test for higher levels. 410 IAC 6-2.1 (i)(2) states in part: "For pools that use a disinfectant other than chlorine, the test kit shall have the range and accuracy proportionate" There are test kits, available for a reasonable price, that meet requirements of the rule designed for testing pools with bromine. There are other test kits available, such as colorimeter photometers, reasonably priced, to measure the color due to DPD and remove variability due to the limitations of the human eye and are more accurate than the FAS-DPD method, which will meet all parts of the rule, including the increments of .5ppm. These kits will also measure residuals higher than 7ppm chlorine and 10ppm bromine.

Comment: LaPorte County Health Department, Ms. Ann Klute submitted a comment regarding 410 IAC 6-2.1-30 Pool water chemistry (h). Some oxidizers say the pool does not need to be closed at all. (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pools." Sec. 30 Pool water chemistry (s) states: "The pool shall be closed for at least one (1) hour following the manual addition of a chemical directly to the pool water." The addition of a non-chlorine oxidizer to the pool is accomplished through manual addition of the chemical directly to the water, so the pool must be closed for at least 1 hour. It may be closed for more than 1 hour if the manufacturer requires it, but not less than the rule requires. It is important to protect the bathers from hot spots or pocket concentrations of a manually added chemical and to allow for dissipation and distribution of the chemical.

Comment: LaPorte County Health Department, Ms. Ann Klute submitted a comment that 410 IAC 6-2.1-30 (i)(1) Pool Water Chemistry be changed. It should be 8ppm if code is

seven ppm. Or say something to the effect of requiring a test kit to measure what ppm your pool is 90% of the time. Most people keep their pool at the same level most of the time but they don't always have a kit that can measure that level. (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool" ISDH 's intent is to adopt *reasonable* rules. ." The experience of the staff indicates that requirements of the test kit required as a minimum is reasonable to accomplish the goal of validating water quality and to guide changes that must be made to the water to protect users and the facility. The "7ppm" referred to in 410 IAC 6-2.1-30(b) is the maximum allowable level for chlorine as the disinfectant. Although a level of 5ppm chlorine is generally the recognized upper limit of good pool maintenance and safety of bathers, the level of 7ppm established in the rule allows for greater margin of error in pool maintenance. Operating a pool at or near 7ppm chlorine is an indicator that the water quality is approaching an unsafe level and a time to make changes to the water quality. The experience of staff indicates that most pools in Indiana do not operate on a day to day basis with that high of a level of chlorine residual due to increased cost and likelihood of being closed by the local health dept. If the test kit meets all of the requirements outlined in the Rule, including the correct increments, and does not test for levels above 5ppm, a dilution method should be performed to reveal the exact level. There are other test kits available, such as colorimeter photometers, reasonably priced, to measure the color due to DPD and remove variability due to the limitations of the human eye and are more accurate than the FAS-DPD method, which will meet all parts of the rule, including the increments of .5ppm. These kits will also measure residuals higher than 7ppm chlorine and 10ppm bromine.

Comment: LaPorte County Health Department, Ms. Ann Klute submitted a comment that 410 IAC 6-2.1-30 Pool Water Chemistry should be changed; (s) unless specified by manufacturer, contradicts (h) of this section. (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." Non chlorine oxidizers are manually added directly to pool water, so the pool must be closed for at least 1 hour as stated in the Rule, even if the manufacturer's label states differently. If the manufacturer's label says to close the pool for 2 hours, then the pool must be closed for 2 hours, but never less than the 1 hour required by the rule. It is important to protect the bathers from hot spots or pocket concentrations of a manually added chemical and to allow for dissipation and distribution of the chemical.

Comment: LaPorte County Health Department, Ms. Ann Klute submitted a comment that 410 IAC 6-2.1-31 Water quality standards should be changed to address at dusk not using natural light conditions. Some outdoor pools are open past dusk but don't have the lighting. Since we aren't there at dusk or later it needs to be stated in the code to cover us that they have checked that they have sufficient lighting to be open at night. Originally

it should have been in their plans but they always think they won't be open at night, then they try to stay open with one light on the deck. (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." The Indiana Department of Homeland Security, Fire Prevention and Building Safety, 675 IAC 20-2-22 states: "(b) Artificial lighting shall be provided for all pools to be used indoors or pools used during periods of darkness. Such lighting shall be sufficient to make a six (6) inch black disc, placed on a white background clearly visible from the side of the pool when that disc is placed on the floor of the pool." If the pool was built without plans approved for a design release for artificial lighting, they would need to submit plans to that agency to add approved artificial lighting as this is a major alteration to the facility as addressed in 675 IAC 20-2-1.

Comment: LaPorte County Health Department, Ms. Ann Klute submitted a comment that 410 IAC 6-2.1-31 Water Quality Standards (f) 7 days is too long to be notified of a failure that further constitutes a closure. 3 days is plenty for most labs or operators to notify us of a failure. I wouldn't want to close a pool 4-7 days after the fact.

(LaPorte County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-31 (f) which states: "A copy of each water sample report must be submitted to the local health department by the pool owner or operator *within seven (7) days* of receiving such a report from the laboratory." to require that the report be submitted within four (4) days. The report can also submitted to the local health department using a fax or the internet. The local health department can make their ordinance more restrictive.

Comment: LaPorte County Health Department, Ms. Ann Klute submitted a comment that 410 IAC 6-2.1-31 Water Quality Standards (f) Missed letter? Is this whole sentence being deleted or just the letter being changed to a different letter? (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH will format the final document.

Comment: LaPorte County Health Department, Ms. Ann Klute, submitted a comment that 410 IAC 6-2.1-34 Lifesaving and safety equipment (e) be changed to include: and should be able to be tested from time to time. We have places that are using lock/break glass kind of things with cell phones where we can't check the emergency phone without breaking the glass. Battery could be dead or cell coverage could be bad etc.

(LaPorte CountyHD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect

or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” 410 IAC 6-2.1-34 (e) states: “A telephone shall be located within two hundred (200) feet of the pool enclosure and *must be available* for emergency use....” The manufacturer has requirements for maintenance of their product to ensure the reliability. The facility must do the maintenance, such as checking the battery, etc. If not, the facility would be liable due to negligence.

Comment: LaPorte County Health Department, Ms. Ann Klute, submitted a comment that 410 IAC 6-2.1-42.1 Tourist home pools (b)(12) Same as pool, unless specified by manufacturers. Use of some chemicals don't have to close the pool at all.

(LaPorte County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” 410 IAC 6-2.1 42.1 (b)(12) states: “The pool or spa shall be closed for at least one (1) hour following the manual addition of a chemical directly to the water.” The pool must be closed for a minimum of at least 1 hour, regardless of the product label, to allow for safe dissipation and distribution of the chemical, if the chemical is added to the water by a manual broadcast. If the product label requires a longer time for distribution of the chemical before it is safe for the bathers, then the longer time than the rule required 1 hour, must be implemented.

Comment: LaPorte County Health Department, Ms. Ann Klute, submitted a comment concerning 410 IAC 6-2.1-42.1 Tourist home pools are the same as semi-public pools, under lighting must be provided if pool or spa is open after dark or inside at night.

(LaPorte County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” The Indiana Department of Homeland Security, Fire Prevention and Building Safety, 675 IAC 20-2-22 states: “b) Artificial lighting shall be provided for all pools to be used indoors or pools used during periods of darkness. Such lighting shall be sufficient to make a six (6) inch black disc, placed on a white background clearly visible from the side of the pool when that disc is placed on the floor of the pool.” This would apply to tourist home pools, too.

Comment: LaPorte County Health Department, Ms. Ann Klute, submitted a comment that 410 IAC 6-2.1-42.1 Tourist home pools (b) (15) Our resident biologist suggests a new sample after a change in occupancy. Or weekly samples DURING occupancy or something along those lines. Once a month for a home that is booked all summer isn't enough monitoring. Either get rid of it altogether or monitor it to where it means something. (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has amended 410 IAC 6-2.1-42.1 (15). ISDH has determined this to be *reasonable* for a minimum requirement. Tourist homes will have less bathers as compared to semi or public pools with a relatively constant small amount of users during a period of tourist occupancy.

Comment: LaPorte County Health Department, Ms. Ann Klute, submitted a comment regarding 410 IAC 6-2.1-42.1 Tourist home pools (18) Why is this in this section but no longer applies to pools? RE: 6" above floor for cleaning. (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." 410 IAC 6-2.1 (33)(b) requires the same for public and semi-public pools.

Comment: ISDH agrees. LaPorte County Health Department, Ms. Ann Klute submitted a comment that 410 IAC 6-2.1-42.1 Tourist home pools 21 (c)(1) should be 8ppm since code allows pools to be at 7ppm. If using color comparator must go one past the code limit so that it can be measured accurately. (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH's intent is to adopt *reasonable* rules. The experience of the staff indicates that requirements of the test kit required as a minimum is reasonable to accomplish the goal of validating water quality and to guide changes that must be made to the water to protect users and the facility. The "7ppm" referred to in 410 IAC 6-2.1-30(b) is the maximum allowable level for chlorine as the disinfectant. Although a level of 5ppm chlorine is generally the recognized upper limit of good pool maintenance and safety of bathers, the level of 7ppm established in the rule allows for greater margin of error in pool maintenance. Operating a pool at or near 7ppm chlorine is an indicator that the water quality is approaching an unsafe level and a time to make changes to the water quality. The experience of staff indicates that most pools in Indiana do not operate on a day to day basis with that high of a level of chlorine residual due to increased cost and likelihood of being closed by the local health dept. If the test kit meets all of the requirements outlined in the Rule, including the correct increments, and does not test for levels above 5ppm, a dilution method should be performed to reveal the exact level. There are other test kits available, such as colorimeter photometers, reasonably priced, to measure the color due to DPD and remove variability due to the limitations of the human eye and are more accurate than the FAS-DPD method, which will meet all parts of the rule, including the increments of .5ppm. These kits will also measure residuals higher than 7ppm chlorine and 10ppm bromine.

Comment: LaPorte County Health Department, Ms. Ann Klute, submitted a comment that 410 IAC 6-2.1-43 Reasons for closure (10) What about not complying with the VGB Act? Or are you leaving it under a safety hazard? (LaPorte CountyHD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH's intent is to be consistent with the Federal Consumer Product Safety Commission that enforces the Virginia Graeme Baker Safety Act, which requires that pools not in compliance to be reported to them. ISDH has proposed an amendment to Sec. 32 to add: (e) All public and semi-public pools and spas must comply with the Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. 8001-8008 and proposed an amendment to Sec. 43 to add: (9)or failure to comply with the section 32(e).

Comment: LaPorte County Health Department, Ms. Ann Klute, submitted a comment that 410 IAC 6-2.1-44 (b) (5) I don't know of any private septic system that could handle a pool or spa's gallonage to discharge to in this case of a fecal or vomit incident. (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH's intent was to exclude pools from discharging a complete water change in the event of a fecal accident to an approved sewage disposal system other than a public sewer because a sewage system, such a septic system, cannot handle the additional load. Only spas (which may be residential style with less volume of water than commercial) could discharge to an approved sewage system other than public sewer.

Comment: LaPorte County Health Department, Ms. Ann Klute submitted a comment I am extremely disappointed that this new rule does not include spray grounds that are treating and re-circulating their water. We have three new parks planned. (LaPorte County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." However, ISDH has a separate authority to adopt rules for interactive water fountains. The ISDH guidelines for operation and maintenance for Interactive Water Fountains are available on the Environmental Public Health website. A draft of a separate rule has been prepared to cover splash parks. The Department of Homeland Security, Division of Fire Prevention and Building Safety reviews the plans for design release prior to construction of these facilities.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment “Tourist home” defined Authority: IC 16-19-3-4 Affected: IC 16-19-3 Sec. 19.1 “Tourist home” Should this be .5 not .1 (Elkhart County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” Sections of 410 IAC 6-2.1 will be renumbered in the final document.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that Administration of rule should be changed. They (tourist homes spas and pools) should also have to meet sections 32(e), 43, 45 and 46. (Elkhart County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” The pools and spas at tourist homes do not have to be commercial style. These “residential” style pools and spas are not designed to be compliant and generally cannot be retrofitted. ISDH’s intent is to be consistent with the Federal Consumer Product Safety Commission that enforces the Virginia Graeme Baker Safety Act, which has drafted a proposed interpretive rule that would define “public accommodations facility” as “an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor.” Note the clarifications on public accommodations:

“Under this definition, pools or spas found at bed and breakfasts with five or fewer rooms for rent or hire and that are actually occupied by the proprietor would not be considered “public pools or spas” under the VGB Act, nor would pools or spas that are located on single family home rental properties.” Therefore, Section 32(e) was not included for tourist homes.

ISDH amended Sec. 43 to include tourist home pools and spas for bacteriological, disinfectant and water clarity requirements to reflect this change. 410 IAC 6-2.1-42.1 and 42.2 have also been amended to reflect this change. Sections 45 Right of Entry and Enforcement apply to all parts of the rule, including tourist home pool and spas.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-30 Pool water chemistry (j) be changed to read: “and kept free of bathers until the concentration is lowered to the required range (deleted until appropriate).” (Elkhart County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has proposed a change to Sec 30 to read: (j) If chlorinated isocyanurate or cyanuric acid stabilizers are used in a pool, the concentration shall not exceed sixty (60) ppm. When the maximum allowable cyanuric

acid concentration is exceeded, **the pool must be closed until** appropriate measures are taken to lower the concentrations to the required range.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-30 Pool water chemistry to add: “measures shall be **are** taken to lower the concentrations to the required range” to 30 (k) Chlorinated isocyanurates and cyanuric acid stabilizers shall not be used in any indoor pool. (Elkhart County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has accepted the preliminarily adopted language as *reasonable*. There is no required range as it is not permitted at any range in an indoor pool, because isocyanurates and cyanuric acid stabilizers are not permitted for use at an indoor pool.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-30 Pool water chemistry (n) be changed (120) ppm as titrated to the methyl orange endpoint. Up in Elkhart most pools are routinely over 120ppm and the water is balanced. This would close most pools up here. It is very hard to achieve and maintain this level here. (Elkhart County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” Current pool information indicates that maintaining a level of alkalinity of 80ppm to 120ppm is the ideal range, as alkalinity acts as a buffer to keep pH stable or the water's resistance to a change in pH. If the alkalinity is too low (below 80 ppm) there can be rapid fluctuations in pH - i.e. there is little resistance to change the pH; referred to as pH bounce. High alkalinity (above 180-200 ppm) will result in the water being too resistant to change and it will make it difficult to adjust or correct the pH; referred to as pH is lock. Staff has found some areas have naturally high levels of total alkalinity. In addition, research has shown that the new rule in Wisconsin, has been changed to address this. Therefore, ISDH has amended 410 IAC 6-2.1-30 (n) to reflect this change to include: “unless it can be shown that another level of total alkalinity produces chemically balances water based on calculations approved by the department.”

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-30 Pool water chemistry (r) be changed to delete “or” and to replace with “shall be” compared for accuracy at least once per week with a test kit. (Elkhart County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction,

and operation of swimming and wading pool.” ISDH has accepted the adopted language as *reasonable*.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment 410 IAC 6-2.1-30 Pool water chemistry left off at page 13.
(Elkhart County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH will format the final document.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment 410 IAC 6-2.1-40 Food and drink area You need to take ‘drink’ out of the title if you are not going to address drinks here or even better address drinks added.
(Elkhart County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” 410 IAC 6-2.1-40 has been amended to reflect this change.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-40 Food and drink be changed to include: (b) only drinks in unbreakable containers shall be allowed at the pool or spa deck. (Elkhart County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” 410 IAC 6-2.1-40 has been amended to reflect this change to add: (b) Only drinks in unbreakable containers shall be permitted on the pool deck.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-42.1 Tourist Home Pools and spas (a) 2. deleted 2.
(Elkhart County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” The final document will be renumbered.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-42.1 Tourist Home Pools and spas Authority: (11) be changed. This needs to be consistent with B, C and D right below this. They should all be once a week or all be before each change in occupancy. (Elkhart County HD)

Response: . ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the

public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has determined this to be *reasonable* as a minimum requirement.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-42.1 Tourist Home Pools and spas 15 (1) be changed to every 28 days, deleted the words; month and each. I can see where someone may test at the beginning of one month and then the end of the next month and still think they are meeting requirements. (Elkhart County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH’s intent is to adopt *reasonable* rules. Webster’s dictionary defines a month as a period of 4 weeks or 30 days, therefore, ISDH accepts the preliminarily adopted language as meeting the intent of the rule.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-42.1 Tourist Home Pools and spas 15 (1) be changed to” original bacteriological sample test;” deleted monthly. (Elkhart County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has accepted the preliminarily adopted language as *reasonable*.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-42.1 Tourist Home Pools and spas (15) be changed to: “and this subsection during the period that a pool is open for use is considered an unsatisfactory report for the applicable time frame, deleted “month.” (Elkhart County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH accepts the preliminary adopted language as *reasonable* and meets the intent of the rule.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-42.1 Tourist Home Pools and spas (21) printed warning shall be changed. Why not just require this information to be posted? (Elkhart County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH’s intent to adopt *reasonable* rules. Tourist homes will have less bathers as compared to semi or public pools with a relatively constant small amount of users during a period of tourist occupancy. In addition, these are family

style homes with less area available for posting signs. ISDH staff thinks it is adequate to inform tourists with printed warnings.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-43 Reasons for closure Authority: IC 16-19-3-4 be changed to: “(4) The grate on the main drain is missing or broken or does not meet VGB requirements. (Elkhart County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has proposed a change to Section 43 (2) to read: “The grate on the main drain is missing or broken, or failure to meet the requirements of section 32(e).”

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-43 Reasons for closure (10) failure to meet cyanuric acid level requirements of Section (30)(j) of this rule be deleted. (Elkhart County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” 410 IAC 6-2.1-43 has been changed to reflect this change to add: (8) If the department determines a condition, situation, or installation is created, installed or maintained that may:

- (A) cause or result in a health or safety hazard; or
- (B) cause or transmit disease.

ISDH has proposed an amendment to 410 IAC 6-2.1-30(j) to state: “ the pool must be closed until appropriate measures are taken to lower the concentrations to the required range.”

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-44 Fecal accidents be changed to delete full stomach vomit. If you put in ‘full stomach’ you will need to define. (Elkhart County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH’s intent is to differentiate between vomit as a symptom of illness as opposed to vomit from swallowing too much water, over exertion, competitive swimming, or play. Therefore, ISDH has proposed an amendment to 410 IAC 6-2.1 to add a definition: “full stomach vomit” for the purpose of this rule shall mean the emptying of all of the stomach’s contents as a result of an illness as opposed to vomit from swallowing too much water, over exertion or play.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-44 Fecal accident (6) be changed to: When chlorine stabilizers are present in pool water, the pool shall be closed until 4 ppm of free disinfectant has been (deleted the words; must be) must be present. (Elkhart County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has accepted the adopted language as reasonable.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-44 Fecal accident be changed to: (8) When the pool is drained, sanitize all surfaces with a chlorine solution of at least twenty (20) ppm. (4) (9) When disinfected without draining, continuously operate the recirculation/filtration system during the sanitization/contact period time. (5) (10) Filters shall be backwashed to waste and filter material replenished as necessary. (6) (11) When the sanitizing contact period is completed, the pool may be reopened if: (A) the excess free chlorine levels are reduced to the maximum allowed in section 30(b) of this rule; (B) the pH is balanced as needed; (C) the filter is recharged as needed; and (D) the circulation system is operating when the pool is. This addition is copied from section (b) below because some may choose to drain, especially a spa, instead of sanitizing for a solid or vomit accident (Elkhart County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has amended 410 IAC 6-2.1-44 to clarify the language in this section..

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-44 Fecal accident (b) (4) be changed to: (4) Ensure that water temperature shall be (deleted shall be) seventy-seven. (Elkhart County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed amendments to 410 IAC 6-2.1-44(b)(4) to clarify the language.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-44 Fecal accident (b)(5) be changed to: equivalent CT inactivation value of 15,300 (deleted extra 0). (Elkhart County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has amended 410 IAC 6-2.1-44(b)(5) to reflect this change.

Comment: Elkhart County Health Department, Ms. Karla Kreczmer submitted a comment that 410 IAC 6-2.1-44 Fecal accident (6) all surfaces be clarified. Does this include the recirculation/filtration system? (Elkhart County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH's intent is for "...all surfaces..." to include the recirculation/filtration system.

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment to clarify Section 10. "Tourist home" – The definition for tourist homes, "rented more than 10 days per year", would apply to any rental home that has a pool and I'm not sure if that was the intent of this rule. (Porter County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed a change to 410 IAC 6-2.1-19 to add a definition for tourist (resides somewhere else) and to clarify the definition for a tourist home to differentiate from a rental home that is used as a primary address by the tenant.

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment that Section 29(f) "Soap shall be provided at any shower." If soap needs to be provided at any shower then we should define how the soap should be dispensed. I don't think it's a good idea for everyone to use the same bar of soap. Some showers are outside and are for rinsing off from the pool, they do not always have hot water. Does soap need to be provided at these showers also? (Porter County Health HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed a change to 410 IAC 6-2.1-29 (f) to clarify: (f) When showers are provided, the hot water temperature shall:

- (1) be at least ninety (90) degrees Fahrenheit; and ~~shall~~
- (2) not exceed one hundred twenty (120) degrees Fahrenheit.

An approved, properly operating hot water control valve shall be installed on the hot water heater to ~~ensure safe~~ prevent the hot water temperature from exceeding one hundred twenty (120) degrees Fahrenheit at the point of use. ~~Soap shall be provided at any shower.~~ Bar soap shall not be permitted."

An outdoor shower that was built for rinsing off would not have to have hot water. If the outdoor shower is also used for the cleansing shower, that is required before entering the pool, then soap is required.

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment Section 30(i)(1) If the maximum chlorine level is 7ppm then I think the test kit should be required to measure up to or exceed 7ppm. (Porter County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH agrees that most FAS-DPD test kits do not meet the requirements of meeting the increments of .5 ppm and will not measure the chlorine residual above 5ppm. ISDH 's intent is to adopt *reasonable* rules. The experience of the staff indicates that requirements of the test kit required as a minimum is reasonable to accomplish the goal of validating water quality and to guide changes that must be made to the water to protect users and the facility. Most FAS-DPD kits provide directions for a dilution method to test for higher levels. There are other test kits available, such as colorimeter photometers, reasonably priced, to measure the color due to DPD and remove variability due to the limitations of the human eye and are more accurate than the FAS-DPD method, which will meet all parts of the rule, including the increments of .5ppm. These kits will also measure residuals higher than 7ppm chlorine and 10ppm bromine. The "7ppm" referred to in 410 IAC 6-2.1-30(b) is the maximum allowable level for chlorine as the disinfectant. A level of 5ppm chlorine is generally the recognized upper limit of good pool maintenance and safety of bathers. The level of 7ppm established in the rule allows for greater margin of error in pool maintenance and is an indicator water quality approaching an unsafe level and a time to make changes to the water quality. The experience of staff indicates that most pools in Indiana do not operate on a day to day basis with that high of a level of chlorine residual.

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment that Section 30(n) be clarified. Should the pool be closed if the alkalinity is below 80 or over 120? (Porter County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed a change to 410 IAC 6-2.1-30(n) to clarify. Current pool information indicates that maintaining a level of alkalinity of 80ppm to 120ppm is the ideal range, as alkalinity acts as a buffer to keep the pH stable. Staff has found some areas have naturally high levels of total alkalinity. In addition, research has shown the same fact in Wisconsin, where the new pool rule has been changed to address this. Staff does not think it to be *reasonable* to close a pool if the total alkalinity is not within this range.

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment concerning Section 31(f) I like receiving the water samples directly from the laboratory. I get all the samples at the same time as soon as the results are available. This way if a pool needs to be closed due to unsatisfactory water samples results I can close them immediately. If I have to wait 7 days after the pool gets the results before I get the results they could have already re-samples and got the results and never have closed their pool even though the pool should have been closed due to unsatisfactory sample results. (Porter County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-31 (f) which states: "A copy of each water sample report must be submitted to the local health department by the pool owner or operator *within seven (7) days* of receiving such a report from the laboratory." to require that the report be submitted within four (4) days. The report can also be submitted to the local health department using a fax or the internet. The local health department can make their ordinance more restrictive.

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment that Section 34(b) 1 spine board, etc. for each pool enclosure be changed to delete the word enclosure. What does pool enclosure mean? If it's a hotel or apt it's fine that there is only 1 spine board in the enclosure, but if it's a water park they need more than 1 spine board within the "pool enclosure." I think if the word enclosure was left off and it just said pool the rule would work for all scenarios. (Porter County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." Although the Department of Homeland Security, Fire Prevention and Building Safety, Swimming Pool Code 675 IAC 20 does not specifically define 'pool enclosure', 675 IAC 20-26(f) states "pools shall be enclosed by a fence, wall, building, or other enclosures that are not less than six (6) feet high, to aid in the control of the movement of bathers and to discourage the entrance of unwanted persons." The code addresses the requirement to enclose; how and why. A new Swimming Pool Code 675 IAC 20-5 has been proposed to address the requirements for waterparks. ISDH's intent is to adopt *reasonable* rules. The experience of the staff has shown that 1 spine board per pool enclosure is *reasonable*, even for a water park. In the case of an emergency requiring rescue, the first appropriate step is to assist the victim in reaching the side of the pool and keeping their head above water, utilizing a ring buoy with attached rope and/or lifepole, until enough and properly trained persons arrive at the scene to remove the victim using a spine board from the water. The purpose of the spine board is to assist the victim in leaving the water. The same immediate response applies to a water park.

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment that 34(h) What if a pool is 30,000 sq ft, do they really need 15 units of lifesaving equipment? (Porter County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." A 30,000 sq. ft. pool is a very large and extremely rare, comparable to approximately .7 acre of surface area of water. Yes, according to 410 IAC 6-2.1-34, a pool of this size would have to 15 units of lifesaving equipment. Lifeguards would also have to be required.

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment Section 35. (h) Do lifeguards have to have a chair or is it just if they are sitting in a chair it has to be 5-6 ft above the pool deck? (Porter County HD)

Response: ISDH agrees that the current section seems confusing. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-35(j) to clarify: " At least one elevated chair/platform, five (5) to six(6) above the deck, to provide complete visual coverage of the pool and pool bottom shall be located at pool areas with a depth of five (5) feet or greater." Deck level chairs may be used in areas adjacent to shallow water instead of elevated lifeguard chairs. The rule does not require all lifeguards to have chairs or to sit in them, as the current aquatic trends are that guards may be more attentive as roving or standing on the deck area around the pool.

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment Section 36.(b) Sanitation and Safety Rules – The rule says that the signs should be posted with the pool enclosed so if it is a fenced in water park should these signs be post just at the entrance of the park or at each pool? My opinion is that they should be posted at each pool. (Porter County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." A sign for user sanitation and safety is required to be posted within a pool enclosure, not a sign for user sanitation and safety rules per each pool. ISDH's intent is to establish minimum requirements for operation and maintenance for pools. However, a county may require additional requirements in their local ordinance.

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment 36(f) Max bather load – How should the maximum bather load be calculated if the pool and spa share the same deck area? What if the spa is closed then is all the deck area the pool deck area? What if it's a water park and the whole area around all the pools are connected? The formula seems very confusing. What if the maximum bather load is exceeded? (Porter County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-7.1 to clarify and to post an interpretation of maximum bather load on the ISDH website. Maximum bather load is used in the rule: 1.define, 2. Used as a part of the formula to calculate the maximum pool capacity in gallons, which is divided by the maximum bather load, divided again by one hundred eight (108) gallons

per hour per bather for pools built before September 13, 1989. (Sec 32 (a)(2)(B), 3. calculating the number of lifeguards and 4. posting maximum bather load.

The relative increase or decrease of maximum bather load allowed in the example addressed in the comment is very small, as closing the spa would allow an additional 9 people to be in the pool.

The Department of Homeland Security, Division of Fire Prevention and Building Safety has proposed a new rule 5 to be added to Indiana Swimming Pool Code 675 IAC 20 to address water attractions, which will include water parks as water attraction complexes. This new code will address the deck requirements specific for each water attraction. The formula for maximum bather load for water parks is: 1 bather per 15 sq. ft. water surface area

Exceeding the maximum bather load would be a violation of 410 IAC 6-2.1 and could indicate an inadequate number of lifeguards (if in a pool where lifeguards are required). If an inspector determines the maximum bather load to be grossly exceeded to the point where there is a significant health and safety hazard, Sec.43 (8), may be applied as a reason to close the pool.

Comment: Porter County Health Department, Ms. Julia Martin, submitted some additional general comments:

A rule specifically designed for water parks would be helpful or better yet it would be helpful if the State inspected water parks or pool over a specified size.

(Porter County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." Most requirements for operation and maintenance for water parks are the same as for pools or already specifically addressed such as water quality, disinfection (some specifics in the table), etc. ISDH will post recommendations for lifeguards/attendants for water attractions/water parks on the website. The Department of Homeland Security, Division of Fire Prevention and Building Services has a proposed a new Rule 5 to address construction requirements for water attraction complexes (waterparks).

Comment: Porter County Health Department, Ms. Julia Martin, submitted a comment Are there any regulations for "spray pads", a pool that only sprays water but has no swimming area? (Porter County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH's intent is regulate pools, basins with water, that also have spray features, as wading pools with 410 IAC 6-2.1. If the feature (a nozzle spraying water for example at the zero depth entry part of a pool, the pool would be regulated as a zero depth pool. However, ISDH has a separate authority to adopt rules for interactive water fountains that do not have a pool or standing water. A draft of this separate rule has been prepared. ISDH does have guidelines posted on the website. The

department of Homeland Security, Division of Fire Prevention and Building Safety reviews the plans, prior to construction, for a design release for these. In addition, Rule 5 is in the process of promulgation to be added to 675 IAC 20 to specifically address the construction requirements.

Comment: Vigo County Health Department, Ms. Marci DeBoy submitted a comment that 410 IAC 6-2.1-7.1 “Maximum bather load” defined may be too complicated for the average pool operator and some inspectors to calculate. (Vigo County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has proposed an amendment to 410 IAC 6-2.1 to clarify the definition and to make the formula more user friendly. In addition, ISDH will post a staff interpretation with examples to assist with maximum bather load calculation on the ISDH website.

Comment: Vigo County Health Department, Ms. Marci DeBoy submitted a comment that “tourist homes” would be hard to identify in the county. (Vigo County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has proposed a change to 410 IAC 6-2.1-19 to add a definition for tourist and to clarify the definition for a tourist home.

Comment: Vigo County Health Department, Ms. Marci DeBoy submitted a comment that 410 IAC 6-2.1-34(d) requires a list for first aid items for the kit as defined under ANSI Z308.1-2003, but ANSI requires purchase of the standard to obtain the information. Hard to obtain the information. (Vigo County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH’s intent is to be consistent with OSHA requirements for first aid kits and other rules such as the railroad mobile camp rule, 410 IAC 6-14. ISDH has a current copy of ANSI Z308.1 on file for reference. There are sites on the internet that list the items listed for the ANSI Z308.1 kits. Items listed as optional for the ANSI Z308.1 kits as opposed to a standard first aid kit, such as tweezers, scissors, ice packs, breathing barrier (with a one-way valve), eye cover, different sizes of bandage compresses, different sizes of roller bandages are recommended.

Comment: Vigo County Health Department, Ms. Marci DeBoy submitted a comment that 410 IAC 6-2.1-35 be changed to require copies of lifeguard certification be available at the pool. (Vigo County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-35, Copies of these certificates shall be kept on site and available for inspection to reflect this change.

Comment: Vigo County Health Department, Ms. Marci DeBoy submitted a comment that 410 IAC 6-2.1 has a lot of repetition between requirements for tourist home and semi- and public pools. Suggest that the regulations differ such as requiring quarterly water reports instead of weekly to make the rule easier to read for operators.

(Vigo County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed some amendments to 410 IAC 6-2.1-42.1 to reflect this change.

Comment: Elkhart County Health Department, Ms. Gabe Cameron submitted a comment that some pools in the county offer dog/owner swim days at public pools and recommends this issue be addressed in the rule (Elkhart County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH also has a draft of guidelines for special events at pools for dog days at pools and will post on the ISDH website.

Comment: Tippecanoe County Health Department, Ms. Patience McGruder submitted a comment that not having the required lifesaving equipment should be included in the reasons for closure 410 IAC 6-2.1-43 since Section 43(5) requires closure for failure to meet the lifeguard requirements of 410 IAC 6-2.1-35. (Tippecanoe County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH's intent is to adopt *reasonable* rules. This could be accomplished using section 43(8).

Comment: Tippecanoe County Health Department, Ms. Patience McGruder submitted a comment that she plans to require pool operators to be Certified Pool Operators in the county ordinance. (Tippecanoe County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH's intent is to adopt *reasonable* rules, however, a county can adopt additional requirements in their local ordinance.

Comment: Tippecanoe County Health Department, Ms. Patience McGruder submitted a comment that 410 IAC 6-2.1-43 be changed to include a cyanuric acid level that exceeds the maximum level 410 IAC 6-2.1-30(j) as a reason to close a pool.

(Tippecanoe County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-43 to reflect this change to add: (8) If the department determines a condition, situation, or installation is created, installed or maintained that may:

(A) cause or result in a health or safety hazard; or

(B) cause or transmit disease.

ISDH has also proposed an amendment to 410 IAC 6-2.1-30(j) to state: "the pool must be closed until appropriate measures are taken to lower the concentrations to the required range."

Comment: St. Joe County Health Department, Mr. Nick Molchan submitted a comment that 410 IAC 6-2.1-71. contains terms such as beginners, wading, shallow, deep and diving areas without definitions which could lead to different interpretations.

(St. Joe County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-7.1 to include the definitions of deep, shallow, and wading areas and to delete beginners from maximum bather load and deleted beginners from the definition.

Comment: St. Joe County Health Department, Mr. Nick Molchan submitted a comment that 410IAC 6-2.1 should include requirements for interactive water fountains/splash pads. (St. Joe County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH's intent is regulate pools, basins with water, that also have spray features, as wading pools with 410 IAC 6-2.1. However, ISDH has a separate authority to adopt rules for interactive water fountains that do not have a pool or basin with water. A draft of this separate rule has been prepared. ISDH also has guidelines available on the ISDH website. The Department of Homeland Security, Division of Fire Prevention and Building Safety reviews the plans prior to construction for design release for these. In addition, this agency is in the process of promulgating Rule 5 to add to the code.

Comment: St. Joe County Health Department, Mr. Nick Molchan submitted a comment inquiring if 410 IAC 6-2.1-34(i) is the only requirement planned to be included in the revision of the Rule that deals with the provisions of the Virginia Graeme Baker?

(St. Joe County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." Some pools will have to make a significant change to the construction; as in not just replacing like with like, to comply with the Virginia Graeme Baker Safety Act which will require the submittal of plans for a design release from a separate state agency. ISDH's intent is to be consistent with Department of Homeland Security, Fire Prevention and Building Safety, Swimming Pool Code 675 IAC 20. ISDH has proposed an amendment to Sec. 32 to add: (e) All public and semi-public pools and spas must comply with the Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. 8001-8008 and proposed an amendment to Sec. 43 to add: (9)or failure to comply with the section 32(e).

Comment: St. Joe County Health Department, Mr. Nick Molchan submitted a comment that 410 IAC 6-2.1-36 should be changed to require a sign requiring: "All diaper-aged children shall use plastic pants with tight fitting elastic at the legs and waist, or swim diapers", be posted at all pools that allow diaper-aged children in the water.

(St. Joe County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-36 to require: "All diaper-aged children shall use plastic pants with tight fitting elastic at the legs and waist, or swim diapers." be added to the user sanitation and safety rules that are to be posted within the pool enclosure. A local county ordinance can require additional signs.

Comment: St. Joe County Health Department, Mr. Nick Molchan submitted a comment to fix the tabs for the columns of 410 IAC 6-2.1-42.1 (b)1 and 42.2 (b)(1).

(St. Joe County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." The final document will be reformatted.

Comment: St. Joe County Health Department, Mr. Nick Molchan submitted a comment requesting clarification on 410 IAC 6-2.1-42.1(b)(18) and 42.2(b)(15), that a standard first aid kit and a twenty-four unit first aid kit that meets ANSI Z308.1-2003 are not the same thing. (St. Joe County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-34 to require a twenty-four (24) unit first aid kit that meets American National Standards Institute (ANSI) standard Z308.1 2003 or 2009. ISDH's intent is to be consistent with OSHA requirements for first aid kits and other rules such as the railroad mobile camp rule, 410 IAC 6-14. ISDH has a current copy of ANSI Z308.1 on file for reference. There are sites on the internet that list the items listed for the ANSI Z308.1 kits. Items listed as optional for the ANSI Z308.1 kits as opposed to a standard first aid kit, such as tweezers, scissors, ice packs, breathing barrier (with a one-way valve), eye cover, different sizes of bandage compresses, different sizes of roller bandages are recommended.

Comment: St. Joe County Health Department, Mr. Nick Molchan submitted a comment concerning 410 IAC 6-2.1-43(9) to reconsider this requirement for closing a pool. If a pool is slightly out of range, it might still be safe. You might want to state if it is higher "X" or lower than "Y", it has to be closed. A pH of 7.1 or 7.9 might not be in the best range for your disinfectant chemical, but is it enough to close a pool?

(St. Joe County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH's intent is to adopt reasonable rules to establish minimum requirements for what staff has determined to cause disease or injury. Therefore, ISDH has proposed an amendment to 410 IAC 6-2.1-43 (9) to read: pH values of less than 6.8 or equal to or greater than 8.0. These pH values would cause bather discomfort and possible injury.

Comment: Hendricks County Health Department, Ms. Cathy Grindstaff submitted a comment that 410 IAC 6-2.1-21 should be changed to include a minimum temperature for hot water for handwashing. (Hendricks County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed a change to read: "(e) Hot and cold water shall be provided through a mixing faucet. Hot water temperature shall:

- (1) be at least ninety (90) degrees Fahrenheit; and
- (2) not exceed one hundred twenty (120) degrees Fahrenheit."

Comment: Hendricks County Health Department, Ms. Cathy Grindstaff submitted a

comment that the Virginia Graeme Baker Safety Act requires a retrofit of a pool with a single main drain with a SRVS (safety vacuum release system) or alternative allowable protection methods rather than an anti entrapment main drain cover. We have a few existing pools with a single main drain and we recommend that all single main drains also be required to have SRVS or alternative protection methods rather than an anti entrapment drain cover. (Hendricks County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." Some pools will have to make a significant change to the construction to the pool to comply with the Virginia Graeme Baker Safety Act, which will require the submittal of plans for a design release, prior to a construction change, from a separate state agency. ISDH's intent is to not be in conflict with Department of Homeland Security, Fire Prevention and Building Safety Swimming Pool Code 675 IAC 20.

Comment: Hendricks County Health Department, Ms. Cathy Grindstaff submitted a comment that 410 IAC 6-2.1-42.1 and 42.2. Spacing (typo) corrections are needed under "BROMINE" (Hendricks County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH will reformat the final document.

Comment: Hendricks County Health Department, Ms. Cathy Grindstaff submitted a 410 IAC 6-2.1-42.2. The Chlorine and Bromine minimum levels should be 2.0 and 4.0 respectively to be consistent with those of other semi-public pools and spas. It is difficult to justify the higher level in other pools if it is not necessary here. (Hendricks County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-42.2 to reflect this change and to keep the required residuals consistent with other pools and spas.

Comment: Hendricks County Health Department, Ms. Cathy Grindstaff submitted a comment requesting that fencing as well as a self-latching and self-closing gate should be required on all semi-public and public pools. (Hendricks County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." A separate state agency, Department of Homeland Security, Fire prevention and Building Safety, has promulgated Swimming Pool Code, 675 IAC 20 which regulates the construction requirements for fencing and gates for semi-

public and public pools. That agency has proposed a revision to 675 IAC 20 which will require a self-closing and positive self-latching closure mechanism.

Comment: Marion County Health Department, Mr. Adam Rickert submitted a comment to expand the definition of Tourist Home 410 IAC 6-2.1-19.1 to eliminate rental properties leased continuously (three month lease or longer) to one person. Proposed language for tourist home definition might be misconstrued as applying to rental properties with hot tubs/pools (above ground or in ground) leased to the same person(s) for 3 months or longer. Our suggestion is to place language in the Administrative Code to eliminate/ negate single family rental properties (with hot tubs/pools) from regulation under 140 IAC. (Marion County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed a change to 410 IAC 6-2.1-19.1 and 19.2 to add a definition for tourist, who has a primary residence somewhere else, to clarify the definition for a tourist home and to eliminate rental homes, which the tenant claims the home as a home address.

Comment: Marion County Health Department, Mr. Adam Rickert submitted a comment that 410 IAC 6-2.1-30(b) should be changed to increase the minimum residuals to 3.0ppm chlorine and 6ppm bromine for spas. He has requested this revision because the actual strength of chlorine as a disinfectant is two (2) times greater than bromine. In addition, he recommends this section be changed to be consistent with the Centers for Disease Control documents for pool operational guidelines. (Marion County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." 410 IAC 6-2.1-30(b) is consistent with the Centers for Disease Control which recommends that the chlorine and bromine levels be maintained at 2-5 ppm for spas. Even at these levels and proper maintenance, *Cryptosporidium parvum*, will not be killed.

Comment: Marion County Health Department, Mr. Adam Rickert submitted a comment that 410 IAC 6-2.1-30(s) be changed to include that the pool water be tested for pH and disinfectant residuals prior to reopening following the manual addition of chemicals (Marion County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." The purpose of Sec. 30(s) is to require that the pool be closed for at least 1 hour following the manual addition of a chemical to the water to allow adequate distribution of the chemical to protect the bathers from "hot spots" of chemicals. 410 IAC 6-2.1 30 (o) requires testing at least twice a day for pH

and disinfectant levels. Section 30 (b) outlines the disinfectant levels that must be maintained at all times. Section 30 (m) addresses the pH requirements. ISDH's intent is to adopt reasonable rules for pool operation and maintenance of pools, however, a county can adopt additional requirements in their local ordinance.

Comment: Marion County Health Department, Mr. Adam Rickert submitted a comment that 410 IAC 6-2.1-35(f) be changed to clarify that teachers and instructors may not simultaneously complete teaching and lifeguard duties. He has encountered swimming instructors instructing classes and serving as lifeguards at the same time, especially at high school pools. (Marion County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-35(f) to reflect this requested change.

Comment: Marion County Health Department, Mr. Adam Rickert submitted a comment that 410 IAC 6-2.1-36(g) be changed to include a sign with letters at least one (1) inch high stating a responsible party (pool owner, operator, or pool maintenance company) and contact number. If a change of responsible party occurs, the sign must be updated within 30 days of the change. (Marion County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has accepted the adopted requirements concerning signs as reasonable. Additional requirements can be addressed in a local ordinance.

Comment: Marion County Health Department, Mr. Adam Rickert submitted a comment that 410 IAC 6-2.1-6 be changed to read: "Department" means the Indiana State Department of Health.

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH's intent is to have the format consistent with other adopted rules.

Comment: Marion County Health Department, Mr. Adam Rickert has requested a change to 410 IAC 6-2.1 to add a definition to define recertification to mean the process of re-obtaining or maintaining a certificate through a nationally recognized swimming pool certification examination organization as determined by the department. (Marion County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation

of swimming and wading pool.” There is no reference to recertification in 140 IAC 6-2.1., therefore, a definition has not been proposed.

Comment: Marion County Health Department, Mr. Adam Rickert submitted a comment that 410 IAC 6-2.1 be changed to include a definition for trained pool operator as Section 37(a) to mean a pool operator who holds a certificate through a nationally recognized swimming pool certification examination as determined by the department. In addition, to add the following items pertinent to trained pool operator:

- (a). After December 31, 2009, the owner or operator of the pool must designate at least one trained (certified) pool operator who is responsible for the direct operation of the pool. A trained pool operator certification must be through a nationally recognized certification examination as determined by the department.
- (b) If the trained pool operator terminates employment with the pool owner/operator, the pool owner/operator shall comply with 37(a) no later than three (3) months after the termination date of the previous trained pool operator.

1. Certification documents shall be removed from the pool location when the trained pool operator terminates employment with the pool owner/operator.

(c) Pool maintenance companies providing pool services for public and semi public pool owners/operators must provide trained pool operator field staff for the public and or semi public owner/operator

(d) Certification documents must be maintained by the pool owner/operator and made available to the regulatory authority upon request.

(e) To remain a trained pool operator, qualifying individuals shall complete recertification every five years. (Marion County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH’s intent is to adopt *reasonable* rules, however, a local county health department can adopt more stringent requirements in a local ordinance. Also, this version of the rule that was preliminarily adopted did not allow us to consider this as part of this promulgation process.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment that the inclusion of the definition of “maximum bather load” and method of calculation is an important addition to the rule 410 IAC 6-2.1-7.1. There is, however, no requirement in the rule for a “Maximum Bather Load” sign to be posted at the pool site. Please add “Maximum Bather Load” to the sign requirements to include each pools user limits. (Johnson County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has proposed an amendment to 410 IAC 6-2.1-36 to add a requirement for a sign with the maximum bather load to be posted.

Comment: ISDH agrees. Johnson County Health Department, Ms. Chris Menze submitted a comment that the “CT value” term would be clarified if it were defined as “CT value” (“Contact Time Value”) somewhere in the definition 410 IAC 6-2.1-5.1. (Johnson County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has proposed an amendment to 410 IAC 6-2.1 to add a definition, Sec. 5.3. “CT inactivation value” means the concentration (C) of free chlorine in ppm (or mg/L) multiplied by time (T) in minutes at a specific pH and temperature. The intent of ISDH is to remain consistent with the terms used by the Centers for Disease Control, Healthy Swimming Fecal Accidents Response recommendations.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment referring to Sewage Disposal (Sect. 28(e)) of 410 IAC 6-2.1. This may be a possible typo: “Indiana Department of Environmental Management” may not be capitalized correctly in the draft. It is written as “Indiana department of environmental management”. (Johnson County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” The intent of ISDH is to remain consistent with the format of other ISDH adopted rules.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment referring to Sanitary Facilities (Section. 29) of 410 IAC 6-2.1. There is no requirement to provide soap at the showers. In our inspection experience, facilities rarely supply soap at semi-public facility showers. We cannot enforce it unless it is included in the rule. (Johnson County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has proposed an amendment to 410 6-2.1-29(f) (2) to require soap.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment referring to 410 IAC 6-2.1 (Section 30 (r)). We have several pools which have electronics which display ORP (oxidation-reduction potential) for pool disinfectants and not ppm or mg/l. The ORP is effectively a very different reading and probably should not be used as a substitute for mg/l of free disinfectant. The ORP should not be allowed to be substituted for regular free chlorine or other disinfectant level checks. Please specify this in the rule. (Johnson County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction,

and operation of swimming and wading pool.” Oxidation reduction potential (ORP) controllers show a reading/measure of the oxidizing capacity present in the water, expressed as millivolts (mV) as opposed to the required to testing for residual levels in 410 IAC 6-2.1-30. ISDH has proposed an amendment to 410 6-2.1-30 to add (s) “Use of oxidation reduction potential (ORP) controllers does not negate the manual daily testing requirement for disinfectant residuals.”

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning the Test Kit Range (Section 30 (i) The test kit requirements have not changed for many years and I suggest that they are out of date. With a maximum limit of 5 ppm, they don’t easily allow for checks of the new upper limits of 7 ppm without difficult dilutions. Also, most use kits that only partially meet the 0.5 increment requirements.

- The rule has for years specified that test kits measuring Chlorine must be in increments of 0.5 mg/l. The required range is set from 0 to 5 mg/l. This has not changed for years.
Even this requirement is rarely followed in the field because nearly all semi-public and many public pools use the standard DPD liquid “complete” kit which has chlorine increments that fall short of the increment requirements in the rule. Most all kits used follow this measurement capability: 0.5; 1.0; 1.5; 2.0; 2.5; 3.0; 5.0. - its skip from 3.0 to 5.0 ppm. Even state inspectors use this type of kit.
- You may wish to intensify the requirements of the test kit measuring capabilities. It should include capabilities of measuring up to at least 10 ppm.
Most operators using this standard kit (up to 5 ppm) can’t tell when they are over 5 ppm. They often write down 5 ppm when in reality it is 10 ppm or more. We have had to temporarily close many pools with chlorine over 7 ppm.

With allowed limits of up to 7 ppm it makes sense to require a kit that is capable of measuring to that limit or slightly above. (Johnson County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” .” ISDH agrees that most FAS-DPD test kits do not meet the requirements of meeting the increments of .5 ppm and will not measure the chlorine residual above 5ppm. ISDH ‘s intent is to adopt *reasonable* rules. The experience of the staff indicates that requirements of the test kit required as a minimum is reasonable to accomplish the goal of validating water quality and to guide changes that must be made to the water to protect users and the facility. Most FAS-DPD kits provide directions for a dilution method to test for higher levels. There are other test kits available, such as colorimeter photometers, reasonably priced, to measure the color due to DPD and remove variability due to the limitations of the human eye and are more accurate than the FAS-DPD method, which will meet all parts of the

rule, including the increments of .5ppm. These kits will also measure residuals higher than 7ppm chlorine and 10ppm bromine.

The “7ppm” referred to in 410 IAC 6-2.1-30(b) is the maximum allowable level for chlorine as the disinfectant. The level of 5ppm chlorine is generally the recognized upper limit of good pool maintenance and safety of bathers. The level of 7ppm established in the rule allows for greater margin of error in pool maintenance and is an indicator water quality approaching an unsafe level and a time to make changes to the water quality. The experience of staff indicates that most pools in Indiana do not operate on a day to day basis with that high of a level of chlorine residual.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment 7. Safety Requirements (Section 34) concerning 410 IAC 6-2.1-34. We recommend that each pool have the MSDS sheets available in the filter room or chemical room. Most do not. (Johnson County HD)

Response: ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH agrees that this is a good idea. This could be incorporated into the local county ordinance.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning Ring Buoy Requirements (Section 34 (2)). A quality standard such as US Coast Guard approved ring buoy is necessary. We often see cheap, poor quality Styrofoam type rings which are probably not reliable. Section 20-2-26 (1) of 675 IAC 20 (Building & Fire Prevention Code) specifies a US Coast Guard approved ring. (Johnson County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has proposed an amendment to 410 IAC 6-2.1-34 (a)(2) to add “United States Coast Guard approved” to clarify and to be consistent with 675 IAC 20.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment referring to First Aid Kit (Section 34(d). There are often problems here because the Building & Fire Prevention Code 675 IAC 20 -2-26 (3) specifies: “One (1) twenty-four (24) unit first aid kit.” Most pool construction companies supply this kit for the pools and are unaware of the specific requirements of the swimming pool code 410 IAC 6-2. (Johnson County HD)

Response: ISDH agrees. ISDH’s authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH “adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool.” ISDH has proposed an

amendment to 410 IAC 6-2.1-34 to require a twenty-four (24) unit first aid kit that meets American National Standards Institute (ANSI) standard Z308.1 2003 or 2009. ISDH's intent is to be consistent with OSHA requirements for first aid kits and other rules such as the railroad mobile camp rule, 410 IAC 6-14. ISDH has a current copy of ANSI Z308.1 on file for reference. There are sites on the internet that list the items listed for the ANSI Z308.1 kits. Items not listed for the ANSI Z308.1 kits as opposed to a standard first aid kit, such as tweezers, scissors, ice packs, breathing barrier (with a one-way valve,), eye cover, different sizes of bandage compresses, different sizes of roller bandages are recommended.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning Emergency Telephone Availability (Section 34 (e)). Please specify that the phone must be available "during all hours the pool is opened for use". Otherwise, many apartment complexes have an office phone during regular office hours but no phone is available when they close down at 5 pm and the pool remains opened until 8:00 pm or later. (Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-34(e) to include: "whenever the pool is open for use"

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning Emergency Telephone Contact Phone Numbers (Section 34(e)(1). If the 911 emergency number is available in the area – we recommend only that number be posted at the phone. (Johnson County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has accepted the adopted language.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning Lifeguard Qualifications (Section 35(a) and 35(e) of 410 IAC 6-2.1. Certification for lifeguard training and blood borne pathogen training must be kept available for inspector review. Copies of certifications should be kept at the pool office. We rarely are able to review this because there are no requirements for records to be made available to inspectors. (Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-35 to add: "(d) Copies of these certifications shall be kept on site and available for inspection."

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning Warning Signs (Section 36). The specific requirements of this section have led to pools having to pay for custom-made signs. These are expensive and some refuse to comply. If we could alter the sign requirements to copy nationally recognized requirements – pools could purchase standard signs from retail distributors. (Johnson County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." Research by staff indicates that the signs required in 410 IAC 6-2.1 appear to be consistent with most states that have promulgated new swimming pool rules and pertinent with current aquatic trends. Although ISDH cannot support or promote advertising for companies specializing in the manufacture of pool signs, there are companies that make the pool signs required specific for each state in the country.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning Tourist home pools Free Residual Table (Section 42(b)(1). As you may probably be aware, the Chlorine/Bromine table is out of skew. (Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH will reformat the final document.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment. Tourist Home Pool & Spa -Water Sample Requirements (Sections 42.1(b)(11) & 42.2(b)(11) Testing water quality on a quarterly basis is not likely to effectively monitor water quality. (Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH as proposed an amendment to 410 IAC 6-2.1-42.1(15) to reflect this change to require monthly water samples.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment referring to Tourist Home - Warning Sign Requirements. There are no requirements for safety signs at the Tourist Home except for a handout requirement for the spas. This may not effectively notify users of dangers in the pool areas; i.e., diving in shallow areas, etc. (Johnson County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." Tourist homes will have fewer bathers as compared to

semi or public pools with a relatively constant small amount of users during a period of tourist occupancy. In addition, these are homes with less area available posting signs. ISDH staff thinks it is adequate to inform tourists with printed warnings.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment referring to Tourist Home Log Requirements. There are no requirements for operators to keep logs of chemical tests and chemical additions, etc. for the pools or spas. There would be no evidence of compliance with testing requirements. Keeping logs of testing, chemical additions, etc. should be required and made available for review.

(Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1. 42.1 (11) to: Pool and spa water shall be tested and logged for the following:

- (A) pH and disinfectant residuals before each change in occupancy.
- (B) Combined chlorine at least once a week when chlorine is used.
- (C) Total alkalinity at least once a week.
- (D) Cyanuric acid, when it is used, at least once a week.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning 410 IAC 6-2.1-43. Inspection experience indicates that failure to meet pH requirements should be included as a reason for closure. Often times the small wading pools become extremely acidic or alkaline. (Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." Therefore, ISDH has proposed an amendment to 410 IAC 6-2.1-43 (7) to read: pH values of less than 6.8 or equal to or greater than 8.0. These pH values would be considered as extreme would cause bather discomfort and possible injury.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning 410 IAC 6-2.1, Reasons for Closure (Section 43). Although we know we have the authority to close a pool or spa for other potentially hazardous conditions, it would validate our authority to do so if an additional item were included in the list of reasons for closure. Something like: "The Department or local health department may close the pool or spa if conditions are deemed to be a potential health threat to the public or those using the facility." We have had to close pools due to excessively crumbling decks and coping, animals swimming in the pools, extreme levels of pH, etc. (Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to 410 IAC 6-2.1-43 to read: "If the department determines a condition, situation, or installation is created, installed, or maintained that: may cause or result in a health or safety hazard; or may cause or transmit disease."

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning Water Sample Reports Section 31(f). We have some laboratories and facilities that are very slow to get their water report results to us in a timely fashion. The section mainly asks that they be "submitted to the local health department." There is nothing mentioned about timely submittal. A possible addition in the second sentence in Section 31(f): "Failure to collect, analyze, and submit (in a timely manner to the local health department), weekly water samples during the period that a pool is open for use is considered an unsatisfactory report for the applicable week." (Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH has proposed an amendment to Sec. 31 to require that a copy of each water sample reports must be submitted to the local health department by the pool owner or operator within four (4) days of receiving such a report from the laboratory.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment concerning self-closing gates. There is no building requirement in the pool code or building code that requires a self-closing gate around the pool deck. There are also no code requirements for a self-closing gate between a wading pool and large pool. This represents a danger to children wandering near pool sites and also those who are in the wading areas who may wander out if the gate does not self close. (Johnson County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." A separate state agency, Department of Homeland Security, Fire prevention and Building Safety, has promulgated Swimming Pool Code, 675 IAC 20 which regulates the construction requirements for fencing and gates for semi-public and public pools. That agency has proposed a revision to 675 IAC 20 which will require a self-closing and positive self-latching closure mechanism.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment suggesting that testing for Calcium Hardness on a weekly basis maybe a needed

requirement. As it is part of the water balance equation, it might be a necessary testing element. (Johnson County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." ISDH does provide a weekly entry of a calcium hardness test result on the ISDH Swimming Pool Log Form, available on the ISDH website. ISDH staff does not think testing for calcium hardness is *reasonable* to require in 410 IAC 6-2.1 because it is a reading necessary to chemically balance the water. It is generally easier to lower the pH and alkalinity of the water to chemically balance, rather than the calcium hardness which occurs naturally by leaching calcium from ground water coming into contact with rocks. If the source water for the pool has high calcium, it may be only just a good idea to test every month or even more infrequent. If the source water is low for calcium, it still is only recommended good practice to test maybe every 2 weeks.

Comment: Johnson County Health Department, Ms. Chris Menze submitted a comment requesting to specify what is considered "slip resistant" deck flooring. Currently, we have no empirical means of testing or quantifying what is slip resistant and what is not. I have worked with our city building inspector and we agree that there is no standard available to us in making that determination. (Johnson County HD)

Response: ISDH's authority to adopt the swimming pool rule is IC 16-19-3-4(a) and (b) 13 and 14, which requires that ISDH "adopt *reasonable* rules to protect or to improve the public health in Indiana. That may concernThe design, construction, and operation of swimming and wading pool." The references to "slip resistant" are in the Department of Homeland Security, Division of Fire Prevention and Building Safety 675 IAC 20, Indiana Swimming Pool Code. There are no references to "slip resistant" in ISDH 410 IAC 6-2.1.

The following parties submitted verbal comments at the hearing on February 18, 2010:

Johnson County Health Department as represented by Ms. Chris Menze
(Johnson County HD)

Johnson County Health Department as represented by Mr. Bob Smith
(Johnson County HD)

Marion County Health Department as represented by Mr. Adam Rickert
(Marion County HD)

The following is a summary of the verbal comments received and ISDH's responses thereto:

Comment: Johnson County Health Department, Ms. Chris Menze, commented: In regards to section 30 E, under 4 Chemistry 30 E, it states that the pool water shall be superchlorinated to break point or super oxidized with the non-chlorine oxidizer when the pool test reveals a combine chlorine concentration of probably 10 parts per million or greater. We would just request that there be a time put on that as far as compliance. As an inspector I notice that some you know may not do it that evening or they may choose not to it that week or even that month. That is a request.

(Johnson County HD)

Response: ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." 410 IAC 6-2.1, sec. 30(e) states:" The pool water shall be superchlorinated to breakpoint or superoxidized with a nonchlorine oxidizer *when the pool test kit reveals a combined chlorine (chloramine) concentration of five-tenths (0.5) parts per million ppm) or greater.*" ISDH's intent is to require the correction to happen at the moment of the event, so the corrective must be taken as soon as possible. ISDH recommends that day after closing or at the most that week.

Comment: Johnson County Health Department, Ms. Chris Menze, commented concerning a possible small mix up on Section 42.1 15 and large letter C. This is under tourist home pools. 15D – In regards to coli form or testing or water that shows the presence of coliform when the 100 millimeter present, absences test is used another bacteriological sample should be collected from the same pool within a week of receiving notice about the original quarterly bacteriological sample test. My question is the word; quarterly because often section 14 42.1B talks about they need to collect the water sample every month. So what I am saying that as soon as that water sample every month fails they would need to submit another one almost immediately afterwards. The same situation occurs in the spa – the tourist home spa section 42.2. (Johnson CountyHD)

Response: ISDH agrees. ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." 410 IAC 6-2.1, Sec. 42.1(15) has amended to reflect this change and to clarify.

Comment: Johnson County Health Department, Ms. Chris Menze commented there is just a small typo in section 42.2 C – small c – the test kits are used to determine quality of the water in a spa at a tourist home shall have free agents placed according to the manufactures requirement and I think there is a coma (and) instead of meet the following. There is just a little typo there. (Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." ISDH will correct errors in formatting.

Comment: Johnson County Health Department, Ms. Chris Menze commented that there is another little typo in 44B 5. I guess that is small b. If chlorine stabilizer are not present in the pool, business whole bunch of crosses out – it talks about or completely during when the pool to a public sewer and then there is a period and a dash on top of one another. Type needs cleaned up. (Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." ISDH will correct errors in formatting.

Comment: Johnson County Health Department, Ms. Chris Menze commented: One other thing that we would like to request is not this rule but the next that there be a certified pool operator requirement by the national swimming pool foundation CPO for anybody who is the operator or person in charge of public pool or even semi public pools. We find as inspectors that there is a lot of untrained people that are running the pools and they have no idea what they are doing and it takes quite a long time to get them up to speed and it is kind of a detriment to all the pools in the public. (Johnson County HD)

Response: ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." ISDH agrees that this is a good idea, but will recommend that counties may choose to require this in their local ordinance.

Comment: Johnson County Health Department, Ms. Chris Menze commented that there is kind of a mix up on page Section 44A – and I think it is so dense with so many A's and B's I think it kind of go mixed up a little. Section 44A says in the event that a solid stool or full stomach of vomit is identified in – they crossed out the 1 and he does not know if we meant to cross out the 1 there cause then you have a 2 and a 3 and a 4 and a 5 and then if you go onto the next page you got a 6 and then you got under B you got 1, 2, 3, 4, 5 and then it goes to 4, 5, 6 and a 7 on the left side. You see what I am saying. It just needs to have some continuity. I might have an older copy. (Johnson County HD)

Response: ISDH agrees. ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." ISDH will correct errors in formatting.

Comment: Johnson County Health Department, Ms. Chris Menze commented: "I guess my only other comment is that as an inspector, the test kit requirement that they be able to on a pool or semi public pool that they only be able to test up to 5 parts per million as a high point makes it difficult because the law allows for them to go up to 7 parts per million most of them have no idea where they are and they don't do dilution factors. I would just request that there be a more specific or sensitive test kit that could test up to maybe 10 parts per million so they know when they are over." (Johnson County HD)

Response: ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and

operation of swimming and wading pools.” ISDH agrees that most FAS-DPD test kits do not meet the requirements of meeting the increments of .5 ppm and will not measure the chlorine residual above 5ppm or bromine residuals above 10ppm. ISDH’s intent is to adopt *reasonable* rules. The experience of the staff indicates that requirements of the test kit required as a minimum is reasonable to accomplish the goal of validating water quality and to guide changes that must be made to the water to protect users and the facility. Any time, a test kit reveals a reading that close to the maximum level, it is time to make a change to the water quality. A maximum of “10” was established because one of the characteristics of bromine is that it is so stable that is very difficult to wash off the human body and remove the smell. Bromine is not very popular due to this and the different chemistry in the water as opposed to chlorine. Most FAS-DPD kits provide directions for a dilution method to test for higher levels. 410 IAC 6-2.1 (i)(2) states in part: “For pools that use a disinfectant other than chlorine, the test kit shall have the range and accuracy proportionate” There are test kits, available for a reasonable price, that meet requirements of the rule designed for testing pools with bromine. There are other test kits available, such as colorimeter photometers, reasonably priced, to measure the color due to DPD and remove variability due to the limitations of the human eye and are more accurate than the FAS-DPD method, which will meet all parts of the rule, including the increments of .5ppm. These kits will also measure residuals higher than 7ppm chlorine and 10ppm bromine.

Comment: Marion County Health Department, Mr. Adam Rickert, commented: “I am with the Marion County Health Department – and my first question is – is there a document available that summarizes all the comments that were received by the various stake holders and the Health Departments? Ok, that would be of interest to us to see if other health departments are observing the pattern here. (Marion County HD)

Response: ISDH agrees. ISDH’s authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules “that may concern.....The design, construction, and operation of swimming and wading pools.” There will be document at the executive board meeting when the final adoption of the rule takes place. That is when that document would be available.

Comment: Marion County Health Department, Mr. Adam Rickert, commented: “If you have health department personnel that are seen as it is in the real world the code applies to real world situations so. I guess what the tourist home definition that might have been expanded upon since previous versions but looks like their define tourist home is as a single family dwelling that is rented or otherwise contracted for night lodging more than three time per year. From our perspective we are wanting to make sure that the eliminated rental properties so that would not be some home construed that rental property. As long as that definition seems like it takes care of that possibility.” (Marion County HD)

Response: ISDH agrees. ISDH’s authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules “that may concern.....The design, construction, and operation of swimming and wading pools.” .” ISDH has proposed a change to 410 IAC 6-2.1-19.1 and 19.2 to add a definition for tourist (resides somewhere

else) and to clarify the definition for a tourist home to differentiate from a rental home that is used as a primary address by the tenant.

Comment: Marion County Health Department, Mr. Adam Rickert, commented: “Looks like section 30B where it mentions the residual disinfectant chemical you have the table there that talks about the various testing types the minimum and maximum levels. We have looked at a few documents that talked about the relationship, or I should not say the relationship but the factors that are both when you compare chlorine to bromine and from what we found a lot of the test kits that the health departments use and the pool operators used are based off the bromine vs. chlorine. It is basically bromine is 2.25 times the level of chlorine so with that limitation in mind and some other articles where you had that you want to maintain your bromine level at least twice that of chlorine that for this table for all other pools which is as I take it is outdoor pools, indoor pools your normal indoor type pool. That relationship is maintained but for some of these other pools weigh pools wading pools that is not maintained. For spa pools it looks like it is maintained so that is good. For our perspective and from a practical point of view of actually testing the pool it would be better if that was consistent across the board for all those types of pools. Also of course, the other reasoning with bromine since it is not as powerful as a disinfectant when you keep all the factors like ph in check, the centers for disease control mentions that the whole purpose of course is trying to eliminate bacteria and other path ages in the pool water. Nor to keep that consistent from all test pools unless there is some other external factors that would be involved while that should be consistent from our prospective it should be consistent. (Marion County HD)

Response: ISDH’s authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules “that may concern.....The design, construction, and operation of swimming and wading pools.” 410 IAC 6-2.1-30(b) is consistent with the Centers for Disease Control which recommends that the chlorine and bromine levels be maintained at 2-5 ppm for spas. Even at these levels and proper maintenance, *Cryptosporidium parvum*, will not be killed.

Comment: Marion County Health Department, Mr. Adam Rickert, commented: “Section 30S - where it talks about the pool shall be closed at least one hour for when adding the chemical to the pool water. That is a very good rules that you are allowing everything to mix properly. We were wishing for that to be a requirement that the pool operators actually test it as a common practice you add chemicals, you automatically test it not matter what. You wait an hour before you open it back up to the public you shall test it to verify that everything is in compliance. Maybe that is just to strengthen and emphasis their requirements from our experience we have seen a lot situations where it may be closed for an hour, it may not be closed for an hour but there is no actual testing done by the operators that they automatically assume that everything is in compliance and meeting the requirements of the state code. Along with that to, the operators may not have a good concept of how much of the chemical that they are adding. They might receive that information from the previous operator is like well you add this amount to the pool without having any basis for that. We want to make sure it is the correct amount that is fine. But it should be checked. If that did not meet the requirements of the code

then obviously it should be checked and then the correction should be made after that.”
(Marion County HD)

Response: ISDH’s authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules “that may concern.....The design, construction, and operation of swimming and wading pools.” ISDH’s intent is to adopt reasonable rules. 410 IAC 6-2.1 requires testing at least twice a day for pH and disinfectant levels. Section 30 (b) outlines the disinfectant levels that must be maintained at all times. Section 30 (m) addresses the pH requirements.

Comment: Marion County Health Department, Mr. Adam Rickert, commented: Section 35F – talks about one on patron’s surveillance duty like shall not perform any other duties and shall not perform any other duties and should not be in the water except in the line of duty. As it is right now, that is a good rule that the lifeguards cannot be folding towels, they cannot be teaching a class, they cannot be doing other duty. For our experience however, we have problems at high schools pools believe it or not where there is a temptation by the school staff they have factors that they are working under so they the reality is that they use student lifeguards they may not have an adequate amount of student lifeguards present to fully teach a class and allow the teacher to teach a class not act as a life guard. Unfortunately, we have had quite a few incidents where we have walked in during the inspection and the teacher who is the lifeguard, there is no other lifeguard present is in the water and then they claim I am going to instantly get out of the pool and I am no longer the life guard. Everybody can do free spin, I am not going to teach the class anymore and that is perfectly – we cannot necessarily dispute that so in order to really clarify that and infasise to the High school, districts, and administrators there should be a further strengthen to that rule in our opinion where you are specifically mentioning teachers instructors that they may not be in the pool and being a lifeguard.
(Marion County HD)

Response: ISDH agrees. ISDH’s authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules “that may concern.....The design, construction, and operation of swimming and wading pools.” ISDH has proposed an amendment to 410 IAC 6-2.1-35(f) to reflect this requested change.

Comment: Marion County Health Department, Mr. Adam Rickert, commented: “Section 36 G – This might be not in there right now where we would be a good possibility would be – some of the homeowners associations pools or for what ever the pool facility be whether a lifeguard not being there it might just be people using the pool, and there is a problem with the PH levels and disinfectant levels or the pool needs to be closed we were recommending that there should be some signage required of the pool operators that they possibly list the responsibility party for the pool operator for the pool operator or some entity that has the capability to make improvements to the pool or make corrections that is known to everybody especially the inspectors performing the inspections. Otherwise, there is a time delay in contacting the pool operator and in some instances the pool owner might want to appoint like a pool maintenance pool company to do that service for them which is perfectly fine and in the interest of the transparency and resolving compliance issues faster we were wanting to include that some type of requirement along those lines.” (Marion County HD)

Response: ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." ISDH has accepted the adopted requirements concerning signs as reasonable. Additional requirements can be addressed in a local ordinance.

Comment: Marion County Health Department, Mr. Adam Rickert, commented: Looking at the state code – a few years ago they required that for each food establishment that they have someone who is trained in proper health – they were certified at least one person was trained. We felt that that should be no different for pool situation that the risk and the public health considerations are similar if not more – they present equally risky situations – as previously stated certified pool operator or something where there is some level of training required – there is a few organizations that have on line training that at the very least reinforce this basic principles – otherwise for our experience – a community semi public pool the person maintaining the pool might have six other duties to complete and the pool to be frank about it is way down on our list and even if they do have the knowledge to maintain the pool properly the owners of the pool facility may not make that a priority for them. If you are basically stating in the code that each pool facility shall have at least one certified pool operator or some level of training you are reinforcing the concept to the pool owners that that person – that is their responsibility – the state of Indiana recognizes that is an important rule for that pool owner to have someone operate the pool properly. Across the board they least understand the basics. I am basing this off of inspections that we complete out in the field and conversations over the phone where I talk to pool operators and I can tell very quickly that there is no level of understanding for what disinfectant means of ph or _____ and how this all plays together. If we have some level of training required that would very helpful for protecting public health and just to make the actual operation of the pool more seamless. If you have a pool operator that does not know what they are doing then they are adding – for example, I have had pool operators they have drained the whole pool for fecal accident that did not require anything like that. They are wasting a lot of money. Treated water cost a lot of money – a lot of resources for that – if you have some level of training – if you have a fecal accident – you do have take these steps but you do not have to go overboard and it could be a very inexpensive correction to that type of situation. One last point with the certified pool operator with the level of training – over the last few years, the state department of health or the state of Indiana has been ranked very low as for as funding from CDC and there is a lot of factors that are involved with that – one factor that I have heard is that we do not have a state _____ that has a public health for an agreed program. That is an important step to that I think in order to get to that point there still is a lot of other baby steps that we can make – so if we had a requirement like this I think that would be a good demonstration to the CDC that we are taking this seriously and we want our pools to be operated per their guidelines – and that possibly could help the state of Indiana receive additional CDC funding.
(Marion County HD)

Response: ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and

operation of swimming and wading pools.” ISDH’s intent is to adopt *reasonable* rules, however, a local county health department can adopt more stringent requirements in a local ordinance. In addition, most of the information is available and may be more current, through such resources as the internet.

Comment: Johnson County Health Department, Mr. Bob Smith, First of all echo on the importance of the person who is responsible for the pool facility be trained adequately on his or her responsibilities. Some type of local certification or national certification thereof. And that be both for public and the person who is in charge for semi public pool. Whether it be in a subdivision that is not requiring a lifeguard or somebody there at all times. The knowledge of taking care of the responsibility I believe just the potential liability and the safety of the individuals and the patrons is a must. (Johnson County HD)

Response: ISDH’s authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules “that may concern.....The design, construction, and operation of swimming and wading pools.” ISDH’s intent is to adopt *reasonable* rules, however, a local county health department can adopt more stringent requirements in a local ordinance. In addition, most of the information is available and may be more current, through such resources as the internet.

Comment: Johnson County Health Department, Mr. Bob Smith , Additionally, on occasion what he has inspected some of the semi public pools that are not required to have a lifeguard but they have the wanting of a responsible adult? I think that needs to be spelled out in Indiana. What is considered a responsible adult? Is it 18, is it 19, is it 20 years of age? I found on the internet that is the only place I have looked for. Some of it is 18 and other places that can be other ages as well. So I think for the importance of the rule under the terms of the definitions should be spelled out for the responsible adult. (Johnson CountyHD)

Response: ISDH’s authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules “that may concern.....The design, construction, and operation of swimming and wading pools.” ISDH has drafted a handout to post on the website to clarify. The sign that refers to “responsible adult”, is required at semi public pools with less than 2,000 square feet of water surface area, which are not required to have lifeguards. Public pools and semi public pools with over 2,000 square feet of water surface area, must have a lifeguard. The purpose of the Section 36 is *to require the signs*, however, the behavior that the signs address is the responsibility of the facility to enforce. *It is the responsibility of the semi public facility to define who they will accept as a “responsible adult” for a child under the age of 14 or a nonswimmer and to enforce.*

Comment: Johnson County Health Department, Mr. Bob Smith During the I know summer seasons quickly approaching and I think for the effectiveness of this rule either try to get it effective before summer or after summer and I believe the way it is probably going to be the process I would probably ask for at least to become effective after summer season in September – October. Otherwise we are going to start enforcing a new pool rule right in mid stream. Right in the middle of the summer, so I would probably

recommend or ask for the effectiveness of the rule to be after the summer pool season.
(Johnson County HD)

Response: ISDH's authority to adopt swimming pool rules is IC 16-19-3-4(b) (14), which requires that ISDH adopt rules "that may concern.....The design, construction, and operation of swimming and wading pools." ISDH recommends that facility be informed this year and to give the facility until next season to comply with new requirements, such as a new sign.